

REMARKS

This amendment is submitted in order to respond to the Examiner's requirement for restriction and to place the application in better form for prosecution before the US Patent and Trademark office.

In response to the requirement for restriction, Applicant provisionally elects to prosecute the claims of Group III. The election is made with a partial traverse.

Applicant has canceled claims 1 through 7 originally presented and is submitting new claims 8 through 13. Antecedent basis for the new claims may be found in the specification on pages 3 through 13. Claims 8 through 11 relate to the invention as originally covered by the claims of Group II. Claims 12 and 13 relate to the invention as originally covered by the claims of Group III.

Applicant asks that the Examiner reconsider his requirement for restriction between the claims of Groups II and III. Applicant agrees that the compound E-4031 is disclosed in the WANG et al reference as a compound that can block the HERG potassium channel. However, there is nothing contained in WANG et al that either discloses or suggests that either a biopsy of colorectal tissue, lymph nodes or a sample of body fluid or stool, taken from a patient with colorectal cancer, contains the HERG potassium channel, or that the compound E-4031 may be used to treat colorectal cancer. Thus the WANG et al reference provides no basis

to support the position that there is no common technical feature that links all of the claims now presented. Thus Applicant respectfully requests that all claims now presented be examined together in one application.

Applicant is enclosing an Information Disclosure Statement to make of record the results of a search report and an examination report carried out by the European Patent Office in the corresponding European Patent Application. The corresponding European Patent Application has matured into European Patent 1,514,115 B1, a copy of which is also enclosed.

Applicant is also enclosing a Patentin Sequence Listing in both paper form and computer readable form. Applicant also encloses a Statement Under 37 CFR 1.821, signed by the undersigned attorney licensed to practice before the US Patent and Trademark Office in Patent Cases. The statement indicates that the material contained in the sequence listing in computer readable form and in the paper copy is identical, and that submission of the sequence listing does not involve the insertion of any prohibited new matter into the application. Antecedent basis for the sequences in the sequence listing may be found in the specification on pages 6 and 7.

An action "on the merits" is awaited.

Respectfully submitted,
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Enclosures:
Information Disclosure Statement
PTO 1449 and References
Statement Under 37 CFR 1.821
Patentin Sequence Listing in
Paper and Computer Readable Form
marked up pages from specification